

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

Civil Action No.: 1:19-cv-12551 FDS

GOOGLE LLC

Defendant.

**DEFENDANT'S ASSENTED TO MOTION
TO IMPOUND PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 74-1, Defendant Google LLC (“Google”) respectfully requests that this Court impound (seal) (i) certain exhibits to the Declaration of Andrew Bruns in Support of Defendant Google LLC’s Renewed Motion to Compel (“the Bruns Declaration”). (ii) portions of the Declaration of Dr. Martin Walker and the entirety of one exhibit attached thereto, and (iii) portions of Defendant Google LLC’s Memorandum of Law in Support of Its Renewed Motion to Compel. The exhibits to be sealed are identified below. Plaintiff Singular Computing LLC assents to the relief requested herein.

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain information that is “confidential, proprietary, and/or commercially sensitive information.” Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to “Confidential” information bring a motion to impound. *Id.* ¶ 14. The following exhibits to the Bruns Declaration contain documents that Singular has designated as containing confidential information:

- **Exhibit 1**, a copy of a document numbered SINGULAR-00006379 and produced in this litigation.

- **Exhibit 4**, a copy of a document numbered SINGULAR-00012094 and produced in this litigation.
- **Exhibit 5**, a copy of a March 12, 2021 email from Anna Porto to Counsel for Singular.
- **Exhibit 7**, a copy of a March 19, 2021 email from Anna Porto to Counsel for Singular.
- **Exhibit 11**, a copy of a document numbered SINGULAR-00012101 and produced in this litigation.
- **Declaration of Dr. Martin Walker**, which contains quotations from and descriptions of Exhibits 1, 4, and 11.
- **Exhibit B to the Declaration of Dr. Martin Walker**, which is a reformatted version of Exhibit 4 created by Dr. Walker for the purposes of his Declaration.

Google's Memorandum of Law in Support of its Motion to Compel quotes from and discusses these confidential exhibits. Submission of the above-identified confidential documents is thus necessary to permit the Court to fully evaluate the issues raised in Google's Motion to Compel. Google therefore brings this Motion to Impound to impound both the above-identified exhibits and those portions of Google's Memorandum of Law that quote from or discuss the confidential information contained within those exhibits. A redacted, public version of Google's Memorandum of Law in Support of its Renewed Motion to Compel will be filed concurrently with this motion.

For the foregoing reasons, Google respectfully requests that the Court permit it to file (i) the above-identified exhibits above under seal and (ii) those portions of Google's Memorandum of Law in Support of its Renewed Motion to Compel that quote from and discuss these exhibits because Singular has taken the position that the documents contains confidential information. Google further requests that the documents remain impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Google's counsel.

Respectfully submitted,

Dated: April 26, 2021

By: /s/ Nathan R. Speed

Gregory F. Corbett (BBO #646394)
gregory.corbett@wolfgreenfield.com

Nathan R. Speed (BBO # 670249)
nathan.speed@wolfgreenfield.com

Elizabeth A. DiMarco (BBO #681921)
elizabeth.dimarco@wolfgreenfield.com
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone: (617) 646-8000
Fax: (617) 646-8646

Robert Van Nest (*admitted pro hac vice*)
rvannest@keker.com

Matthias Kamber (*admitted pro hac vice*)
mkamber@keker.com

Michelle Ybarra (*admitted pro hac vice*)
myabarra@keker.com

Jay Rapaport (*admitted pro hac vice*)
jrapaport@keker.com

Andrew Bruns (*admitted pro hac vice*)
abrunz@keker.com

Anna Porto (*admitted pro hac vice*)
aporto@keker.com

Deeva Shah (*admitted pro hac vice*)
dshah@keker.com

KEKER, VAN NEST & PETERS LLP
633 Battery Street
San Francisco, CA 94111-1809
(415) 391-5400

Michael S. Kwun (*admitted pro hac vice*)
mkwun@kblfirm.com

Asim Bhansali (*admitted pro hac vice*)
abhansali@kblfirm.com

KWUN BHANSALI LAZARUS LLP
555 Montgomery Street, Suite 750 San
Francisco, CA 94111
(415) 630-2350

Counsel for Defendant Google LLC

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Nathan R. Speed, counsel for Defendant, hereby certifies that counsel for Defendant conferred with Plaintiff's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Plaintiff's counsel informed counsel for Defendant that Plaintiff assents to the relief sought in this motion.

/s/ Nathan R. Speed
Nathan R. Speed

CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing pleading was served upon the attorneys of record for all parties by electronically filing the foregoing pleading with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to registered attorneys of record.

Dated: April 26, 2021 */s/ Nathan R. Speed*
 Nathan R. Speed

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed